

Application No. 10/035,817
Amendment dated 06/28/2005
Reply to Office action of 02/28/2005

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REMARKS

Claims 1-38 are pending in the application. Claims 1-38 were rejected. Claim 1 is amended. Claims 1 and 26 are the independent claims. Reconsideration of the amended application is respectfully requested.

The examiner rejected claim 1 under 35 USC §112 as being indefinite, noting insufficient antecedent basis for a claimed element. Claim 1 is amended to eliminate the antecedent basis problem. The rejection, therefore, should be withdrawn.

The examiner rejected claims 1-10, 12, 16-33, 35, 36, and 38 under 35 USC §103(b) as being unpatentable over Kapp et al., in view of Scheidt et al.

As noted by the examiner, the Scheidt et al. reference constitutes prior art only under 35 USC §102(e). The present application and the Scheidt et al. reference were, at the time that the claimed invention of the present application was made, commonly owned by TecSec, Inc. of Vienna, Virginia, USA, subject to an obligation of assignment of the application by the inventors, which assignment was later executed and recorded. Further, the present application was filed on October 25, 2001, that is, after November 29, 1999. Therefore, pursuant to 35 USC §103(c), the subject matter of the Scheidt et al. reference shall not preclude patentability of the claimed invention, that is, is disqualified as prior art under 35 USC §103(b). The rejection, therefore, should be withdrawn.

The examiner rejected claims 11, 34, and 37 under 35 USC §103(b) as being unpatentable over Kapp et al., in view of Scheidt et al, and further in view of Vardanyan et al.

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As noted by the examiner, the Scheidt et al. reference constitutes prior art only under 35 USC §102(e). The present application and the Scheidt et al. reference were, at the time that the claimed invention of the present application was made, commonly owned by TecSec, Inc. of Vienna, Virginia, USA, subject to an obligation of assignment of the application by the inventors, which assignment was later executed and recorded. Further, the present application was filed on October 25, 2001, that is, after November 29, 1999. Therefore, pursuant to 35 USC §103(c), the subject matter of the Scheidt et al. reference shall not preclude patentability of the claimed invention, that is, is disqualified as prior art under 35 USC §103(b). The rejection, therefore, should be withdrawn.

The examiner rejected claims 13-15 under 35 USC §103(b) as being unpatentable over Kapp et al., in view of Scheidt et al, and further in view of Vacth et al.

As noted by the examiner, the Scheidt et al. reference constitutes prior art only under 35 USC §102(e). The present application and the Scheidt et al. reference were, at the time that the claimed invention of the present application was made, commonly owned by TecSec, Inc. of Vienna, Virginia, USA, subject to an obligation of assignment of the application by the inventors, which assignment was later executed and recorded. Further, the present application was filed on October 25, 2001, that is, after November 29, 1999. Therefore, pursuant to 35 USC §103(c), the subject matter of the Scheidt et al. reference shall not preclude patentability of the claimed invention, that is, is disqualified as prior art under 35 USC §103(b). The rejection, therefore, should be withdrawn.

Based on the foregoing, it is submitted that all rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case

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passed to issue. If any issues remain outstanding, the examiner is encouraged to call the undersigned agent to attempt resolution in a telephone interview.

Respectfully submitted,

June 28, 2005

Date

TMC:hlp



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